

## **REMARKS**

### **Status of the Claims**

Upon entry of the amendment above, claims 8-24 will be pending, claims 8 and 21 being independent.

### **Summary of Office Action**

Claims 8- 16 are rejected under 35 USC §102(b) as being anticipated by HAUGHLIN (U.S. Patent No. 5,664,797).

### **Response to the Office Action**

#### **A. Summary of the Amendment**

In the amendment above, Applicants have amended certain paragraphs of the specification for so-called “cosmetic” reasons, including that for providing closer antecedent bases for terminology appearing in the claims.

In addition, claims 8, 9, and 15 have been amended only for the purpose of improving their form, not for substantive reasons related to patentability. Also, new claims 17-24 have been added.

#### **B. Withdrawal of the Rejection**

Applicants kindly request reconsideration and withdrawal of the rejection at least for the following reasons.

A common feature of embodiments disclosed by Applicants is that the upper surface of a cross-country ski, by virtue of the structural arrangement claimed, is capable of coming in direct contact with the skier’s boot, as depicted in the cross-sectional views of Figs. 2, 4, and 6.

By contrast, with HAUGHLIN, the boot would always be supported upon the binding and *not* directly upon an upper ski surface.

In fact, column 8, lines 1-10 of HAUGHLIN’s specification (as well as column 3, lines 22-27) describes widened boot-engaging surfaces 64 of a binding plate 28 – shown in Figs. 1 and 3 – which is quite contrary to Applicants’ invention. Although HAUGHLIN describes his binding as facilitating the skating technique, he widens the boot support of the *binding*, whereas, as in Applicants’ Figs. 5-7, e.g., the boot support of the *ski* is widened.

Further in this regard, page 3, lines 3-5 of the Office action refers to the aforementioned surfaces 64 of HAUGHLIN as “two lateral upper surfaces” of the ski. On the contrary, as mentioned above, surfaces 64 of HAUGHLIN are surfaces of the binding plate 28.

In the beginning of the large paragraph on page 2 of the Office action, with regard to Applicants’ independent claim 8, the *ski* of HAUGHLIN is referenced with the parenthetical “fig 1, element 10.” On the contrary, element 10 of HAUGHLIN is the *binding*, not the *ski*. The ski is element 32 in HAUGHLIN.

Still further, the apparent misunderstanding in the Office action between the ski and binding in HAUGHLIN also arises in the parenthetical reference (at the end of the aforementioned large paragraph on page 2 of the Office action) to “an upwardly facing recess of the upper surface of the ski” as “fig 2, element 10 and 66.” Again, element 10 is the binding and elements 66 are longitudinal ribs. The ribs, of course, represent upward projections, not recesses. Perhaps, the point being made is that there is a recess between the two ribs 66 in HAUGHLIN. If so, such point is not responsive to the end of Applicants’ claim 8, which refers to a recess *in the ski*.

Beginning at the bottom of page 3, the Office action addresses Applicants’ relatively detailed dependent claims 15 and 16. On page 4, lines 3-5, the Office action explains that the binding device of HAUGHLIN includes “no base plate” and that “a lower external surface of the boot is adapted to be directly supported on the upper support surface of the ski (fig 5, element 67) also (fig 15).” Element 67 is not the upper surface of the ski.

### C. New Claims

As mentioned above, Applicants have added new claims 17-24, which are believed to patentably distinguish Applicants’ invention over the document relied upon in the rejection.

New claims 17-20 depend, indirectly, from independent claim 8 and distinguish the invention over the document relied upon in the rejection at least for the reasons given above with regard to claim 8.

New claim 17 depends from claim 13 (whereby the combination of ski and binding are claimed) and calls for the binding device to include a front jaw adapted to engage a front bar of the boot for enabling articulation of the boot with respect to the ski, as described, e.g., in paragraph 0012 of the Applicants' specification. Of course, HAUGHLIN does not disclose such a binding.

New claim 18 also depends from independent claim 13 and specifies, inter alia, that the binding device includes no baseplate that would prevent a lower external surface of the boot from direct supporting engagement on the upper support surface of the ski. Of course, HAUGHLIN *does include* a baseplate that would prevent a lower external surface of the boot from direct supporting engagement on the upper support surface of the ski.

New claim 19 depends from claim 15 and adds a positive recitation of the boot in combination with the ski and binding.

New claim 20 depends from claim 19 and further specifies that the support surface of the boot is in a metatarsophalangeal bending zone of the boot. In HAUGHLIN, in the area of the ball of the foot, the binding plate 28 is widened; the boot does not directly contact the ski there.

New claim 21 is independent and includes the combination of cross-country ski and binding, with the binding to be fixed upon the ski in the upwardly open longitudinally extending recess, and with the ski having a pair of transversely spaced apart longitudinally extending upper support surfaces to support *directly* the support surfaces of a sole of a boot at least in a metatarsophalangeal bending zone of the boot. HAUGHLIN fails to disclose these limitations.

New Claim 22 depends from claim 21 and further specifies that the binding device includes no baseplate that would prevent a lower external surface of the boot from direct supporting engagement on the upper support surfaces of the ski. Of course, HAUGHLIN does includes such a baseplate.

New claim 23 also depends from claim 21 and further describes the binding device as including a front jaw adapted to engage a front bar of the boot for enabling articulation of the boot with respect to the ski. HAUGHLIN does not disclose such a binding.

Lastly, new claim 24 depends from claim 23 and adds a positive recitation of the boot to the combination of ski and binding.

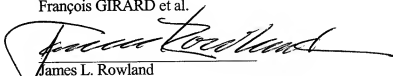
**SUMMARY AND CONCLUSION**

The ground of rejection advanced in the Office action has been addressed and is believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

Payment of a fee for an extension of time is being made herewith. No additional fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and/or complete to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number, fax number, or e-mail address given below.

Respectfully submitted,  
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